



#5/ 1713

CASE PP/1-21105/A/CGM 474/PCT/DIV

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

RUDOLF PFAENDNER

APPLICATION NO: 10/037,543

FILED: NOVEMBER 9, 2001

FOR: FUNCTIONALISED POLYMERS

Group Art Unit: 1713

Examiner: D. Wilson

Assistant Commissioner for Patents

Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This Response is in response to an Office Action, dated March 4, 2003, mailed from the United States Patent and Trademark Office (Paper No. 4). The Office Action set a shortened statutory period for response to expire on April 4, 2003. This Response is being filed within the shortened statutory period for response.

No fee, petition, or certification is required.

The Commissioner is authorized to charge any fee due, or credit any overcharge, as a result of this Amendment to Deposit Account No. 03-1935.

Remarks

Claims 1-17 are pending and subject to a restriction requirement as between:

I. claims 1 and 8-15 (for sterically hindered phenols) and 2

II. claims 1 and 8-15 (for sterically hindered amines) and 3

III. claims 1 and 8-15 (for lactones) and 4

IV. claims 1 and 8-15 (for sulfides) and 5

V. claims 1 and 8-15 (for phosphites) and 6

VI. claims 1 and 7-15 (for benzotriazoles)

VII. claims 1 and 7-15 (for benzophenones)

VIII. claims 1 and 7-15 (for triazines)

IX. claim 16 (for sterically hindered phenols)

X. claim 16 (for sterically hindered amines)

XI. claim 16 (for lactones)

XII. claim 16 (for sulfides)

XIII. claim 16 (for phosphites)

XIV. claim 16 (for benzotriazoles)

XV. claim 16 (for benzophenones)

XVI. claim 16 (for triazines).

Subject to the following traversal, Applicants elect to prosecute the invention of Group I (sterically hindered phenols). The Examiner further required an election of species, to which the Applicants select the sterically hindered phenol of Example C, page 28.

The Examiner has imposed upon Applicants an overly complex and burdensome restriction requirement that breaks apart a Markush claim. The Examiner has correctly identified the applicable standard of MPEP 803.02 that "unity of invention [for a Markush claim] exists where compounds included within a Markush group (1) share a common utility, and (2) share a substantial structural feature disclosed as being essential to that utility." The claims are drawn to the use of compounds that are capable of having both a stabilizing and compatibilizing function. The common function is the ability to perform both stabilization and compatibilization. The compatibilizing function can be combined with many classes of stabilizers. The common structural element of the compounds is the compatibilizer provided in

each compound for the plastic composition to be stabilized. Hence, Applicants submit that it is incorrect to assert the claims lack a common structural element. Applicants request that the Examiner reconsider and withdraw his restriction requirement in light of the above comments.

Applicants submit that the present application is now in condition for examination on the merits. The Examiner is urged to contact the undersigned representative in the event that minor amendments will further prosecution.

Respectfully submitted,



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